

DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE: May 1, 2007

DATE ISSUED: April 26, 2007

(Rescinds Division Circular #1, "Development and Promulgation of Division Circulars", issued March 16, 2007).

- I. **TITLE:** Development and Promulgation of Division Circulars and Quality Enhancement Procedures.
- II. **PURPOSE:** To establish a uniform system for developing and disseminating operational policies of the Division.
- III. **SCOPE:** This circular applies to all components of the Division as well as agencies and entities under contract with the Division or regulated by the Department that provides services to Division eligible individuals.
- IV. **POLICIES:**

Division policy shall be promulgated only by the Assistant Commissioner.

Quality Enhancement Procedures (QEP's) shall be promulgated only by the Assistant Commissioner and the Assistant Director for Quality Enhancement.

The Assistant Commissioner shall ensure the implementation of Division Circulars and QEP's in all operating units of the Division of Developmental Disabilities (DDD).

Policies concerning contracts between provider agencies and the Division are addressed in the Department of Human Services Contract Policy and Information Manual and/or the Contract Reimbursement Manual.

Policies and standards concerning licensure of private facilities are addressed in N.J.A.C. 10:47.

Policies and standards concerning licensure of community residences for persons with developmental disabilities are addressed in N.J.A.C. 10:44A and 10:44B and 10:44C.

- V. **GENERAL STANDARDS:**

- A. Definitions - The following terms shall have the meaning defined herein:

Component means a Regional Assistant Director's Office (RAD), developmental center, regional office, bureau, or unit of DDD.

Division Circular means a sequentially numbered document issued by the Assistant Commissioner, DDD, to promulgate operational policies, standards and key procedures of the DDD. Division Circulars convey policies that have broad applicability to major components of the Division and may have applicability to provider agencies under contract with or regulated by the DDD. The Assistant Commissioner may, however, limit the scope of a circular to a single component.

New Jersey Administrative Code means a compilation of agency rules made by the New Jersey Office of Administrative Law which have been proposed and adopted in the New Jersey Register. Those rules have the force of law.

Policy Impact Checklist means the document utilized by DDD to provide input regarding the impact of policies on DDD resources or impacting the individuals served by DDD or provider agencies under contract with DDD.

Quality Enhancement Procedure means a sequentially numbered document issued by the Assistant Commissioner and the Assistant Director for Quality Enhancement to ensure immediate action by Division staff to address an issue.

- B. Division Circulars shall be promulgated by the Assistant Commissioner and shall remain in effect until officially rescinded.
- C. The process of development and review of Division Circulars shall incorporate the opportunity for input and comment from Division components and agencies and entities under contract with the Division or regulated by the Department that provide services to Division eligible individuals.
- D. The process for development and review of QEP's is described in Section VI. B., of this circular.
- E. Each Division Circular shall be reviewed as necessary but no less than every five years.
- F. Executive staff of Division components and agencies and entities under contract with the Division or regulated by the Department shall ensure that their procedures are consistent with applicable Division Circulars and QEP's.
- G. Executive staff of Division components and agencies and entities under contract with the Division or regulated by the Department shall maintain at least one complete and current manual of Division Circulars.

- H. Executive staff of Division components and agencies and entities under contract with the Division or regulated by the Department shall disseminate applicable Division Circulars to key staff.
- I. Some Division Circulars may be adopted in the New Jersey Administrative Code. The Division Circular shall contain a reference to the appropriate code citation. If no citation in the code exists, the circular shall indicate that this section is not applicable (N/A).
- J. Policy impact reviews shall be conducted to define the impact of a DDD policy on Fiscal, Information Technology or other DDD resources or impacting the individuals served by DDD or provider agencies under contract with DDD.

VI. **PROCEDURE:**

A. Division Circulars

- 1. The Policy and Procedure Committee, appointed by the Assistant Commissioner and chaired by the Division's Administrative Practice Officer (APO), shall be responsible for recommendations concerning the development, revision or rescission of Division Circulars except as otherwise noted in the circular.

a. Composition of Committee

The Policy and Procedure Committee shall have representation from at least the following:

- i. Deputy Director
- ii. Each Regional Assistant Director
- iii. Assistant Director
- iv. Information Technology (IT)
- v. Budget and Finance
- vi. Program Support
- vii. Provider agency representative(s)

b. Committee Functions:

- i. Plan and develop new Division Circulars.
- ii. Conduct a review of each Division Circular no less than every five years.
- iii. Review all drafts of new and/or revised Division Circulars with the following exception: In the instance of a rule which is issued as a Division Circular, the Division component responsible for developing the rule shall conduct the necessary review. The Assistant Commissioner at his

discretion may assign the review of a specific circular to an independent workgroup.

- iv. Solicit comments on draft circulars or circulars under revision from Division components as well as agencies under contract with or regulated by the Division.
 - v. Review all comments received on draft circulars.
 - vi. Recommend the rescission of obsolete Division Circulars.
2. Division Circulars shall be prepared in conformance with the prescribed format. (See Appendix A).
 3. A quorum of the Policy and Procedure Committee shall be four members including the chairperson.
 4. Drafts of Division Circulars shall be so marked in the upper right hand corner and shall be dated and numbered.
 5. Responsibilities of the APO shall include:
 - a. maintains a distribution list to Division components and agencies and entities under contract with the Division or regulated by the Department.
 - b. distributes a copy of Division Circulars to Division components and provider agencies.
 - c. maintains a complete and current set of approved Division Circulars.
 - d. provides an updated copy of the Table of Contents of Division Circulars to Division components as well as agencies and entities under contract with the Division or regulated by the Department.
 6. A recommendation for a topic for a new Division Circular, or revisions to a circular that have not been solicited during a comment period, shall be made in writing to the APO.
 - a. A recommendation shall be made through the appropriate RAD's office, through the Assistant Commissioner, or through the executive director of the agency and entity under contract with the Division or regulated by the Department or an advocacy group.
 - b. A recommendation for a new circular shall identify the topic, scope, reason for the circular and summary of suggested content. A recommendation for change to an

existing circular shall identify the circular, reason for the change and summary of suggested content.

- c. The APO shall review the recommendation to ensure that it is clear and that the topic is not already addressed in statute, regulation or policy.
 - d. The APO shall present the recommendation(s) to the full committee.
 - e. If the committee disagrees with the recommendation, the APO shall respond in writing to the person who made the recommendation.
- 7. Proposed Division Circulars shall be distributed to Division components and agencies and entities for comment prior to the promulgation. The comment period shall be 60 days.
 - 8. A Division Circular that revises or replaces a current circular shall specify, in the heading, the circular which has been rescinded.
 - 9. Revision of circulars may involve a single page, a section, or the entire document.
 - 10. Prior to issuing a Division Circular or proposing a Division regulation, the APO shall seek approval from key executive staff of the Division.
 - a. Approval shall be sought from the Assistant Commissioner, Deputy Director, Assistant Director and Regional Assistant Directors using a standard form (See Appendix B).
 - b. Approval or disapproval shall be provided within 15 working days. In the case where review must occur on a priority basis, approval or disapproval shall be provided within 5 working days. No response shall be considered approval.
 - c. When there is a disagreement between the response from the executive staff, the APO shall bring this to their attention for resolution. Resolution is required within 10 additional working days.
 - d. When the document has been approved, the APO shall prepare the Division Circular for the Director's signature. In the case of regulations, the APO shall prepare a memorandum for the Director's signature submitting the rule to the Commissioner.

B. Quality Enhancement Procedures

1. The Assistant Commissioner and the Assistant Director for Quality Management may issue a QEP in those instances where immediate action by Division staff is required to address an issue.
2. The QEP shall follow the format outlined in Appendix A.
3. Each QEP shall be numbered and shall have an issue date.
4. Each QEP shall be prepared using "Arial" style in size 12 font in Microsoft Word.
5. QEP's shall be signed by the Assistant Commissioner and the Assistant Director for Quality Management.
6. A component preparing a QEP shall submit the document to the APO to be issued.
7. The APO shall advise the component of any changes needed. The component may finalize the QEP and prepare a cover memorandum for the Director's signature.
8. Once the Assistant Commissioner has signed the cover memorandum and the QEP has been signed by the Assistant Commissioner and the Assistant Director for Quality Management, an electronic copy of both shall be provided to the Division's APO for distribution to Division staff who routinely receive copies of Division Circulars.
9. When a QEP contains a standard that differs from one already in a Division Circular, the standard in the QEP shall be followed until the Division Circular is revised.
10. If there are concerns about the QEP after it has been issued, those concerns may be sent in writing to the APO.
11. Before a QEP is issued, the Assistant Director, Quality Management and the APO shall meet to decide the following:
 - a. Whether the QEP can be incorporated into an existing Division Circular; or
 - b. Whether the QEP is sufficient basis to develop a new Division Circular; or
 - c. Whether the QEP:
 - i. addresses an issue that is not likely to be incorporated into a Division Circular.
 - ii. addresses an issue that is limited to Division staff only.

12. If the issue requires the development or revision of a Division Circular, the requirements of this circular shall be followed.
13. The Division APO shall maintain a complete and current set of QEPs.
14. Each component shall keep a manual of QEPs.

C. Policy Impact Checklist

1. The Policy Impact Checklist to be utilized by the DDD for the internal review of policies and procedures and to describe the impact of policies on DDD resources.
2. The Policy Impact Checklist provides sections for impact statements to be provided covering the areas of greatest possible impact, such as Fiscal and Information Technology, as well as impact on individuals, agencies and staff.
3. The process for completion of the checklist is as follows:
 - a. The policy is reviewed by the Policy and Procedures Committee;
 - b. The draft policy will then be distributed by the Responsible APO staff person to the appropriate unit heads for review and input. The checklist is to be distributed for review as applicable, however, Fiscal and IT reviews are required for each policy;
 - c. The unit heads will each complete the impact reviews and return to the APO within five (5) working days;
 - d. The Responsible APO staff person is required to follow-up with appropriate unit heads to ensure the reviews are completed in a timely manner;
 - e. Once the reviews are completed, the APO will prepare the policy and checklist for review by the Executive staff;
 - f. The final policy and checklist will be provided to the Assistant Commissioner for review and approval.
 - g. Once the Assistant Commissioner and Executive Staff (Deputy and Assistant Directors) approved the draft policy, it will be processed as described in section VI,A of this circular.
4. Executive staff and unit heads are to comply with the timeframes for responding to the request for review.

Kenneth W. Ritchey
Assistant Commissioner

APPENDIX A**FORMAT FOR DEVELOPING DIVISION CIRCULARS**

DIVISION CIRCULAR #
(N.J.A.C. citation, if applicable)
or
Quality Enhancement Procedure

DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE:

DATE ISSUED:

- I. **TITLE:** (A descriptive title).
- II. **PURPOSE:** (A statement of purpose).
- III. **SCOPE:** (To whom does the circular apply).
- IV. **POLICIES:** (Statements that reflect the Division's philosophy and expectations with regard to major problems and courses of action).
- V. **GENERAL STANDARDS:** (Uniform expectation of performance criteria including, as necessary, definitions of essential terms).
- VI. **PROCEDURES:** (Content shall include major steps to implement the policy).
 - A. Sequential steps required, including frequency or scheduling requirements at each step.
 - B. Assignment of staff responsibilities for each element of the policy/procedure.
 - C. Reporting and recording requirements.
 - D. Other particulars for staff guidance including but not limited to required procedure development by the operating unit, differential guidelines for components and appendices.

Signature

APPENDIX B
DIVISION OF DEVELOPMENTAL DISABILITIES
EXECUTIVE APPROVAL FORM

To:

From: Deborah Barry, Acting Administrative Practice Officer

Date:

Subject:

Request review and approval of attached material

1. TYPE OF DOCUMENT

_____Circular

_____Rule

_____New

_____New

_____Amendment

_____Amendment

2. TYPE OF REVIEW

_____Priority

_____Routine

3. ACTION

_____Approved

_____Disapproved

4. Reason for Disapproval

Signature

Date

APPENDIX C
Division of Developmental Disabilities
Policy Impact Checklist

All sections must be completed

Date:	Responsible APO:	
Topic:		
Circular:	Routine:	Amendment:
Regulation:	Priority:	New:

IMPACT STATEMENTS

Fiscal Impact: Yes No (Fiscal review required) If Yes, describe the impact:
Fiscal Reviewer: _____ Date: _____
IT Impact: Yes No (IT review required) If Yes, describe the need and timeline for completion:
IT Reviewer: _____ Date: _____
Does this policy impact on individuals? Yes No If Yes, describe the impact:
Reviewer: _____ Date: _____
Does this policy place an unfunded mandate on service providers? Yes No If Yes, describe impact:
Reviewer: _____ Date: _____
Does this policy impact on self-direction for individuals? Yes No If Yes, describe the impact:
Reviewer: _____ Date: _____
Does this policy impact on DDD employees covered under union contracts: Yes No If Yes, describe the impact:
HR Reviewer: _____ Date: _____

Developed by Committee involving stakeholders? Yes No
 P&P Committee review – Date: _____